



EXPRESS MAIL NO. EL852794965US

PTO/SB/30 (05/03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>Request For Continued Examination (RCE) Transmittal</b>  Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	<b>Application Number</b>	<b>09/506,079</b>
	<b>Filing Date</b>	<b>February 16, 2000</b>
	<b>First Named Inventor</b>	<b>Clinton</b>
	<b>Art Unit</b>	<b>1642</b>
	<b>Examiner Name</b>	<b>Anne L. Holleran</b>
	<b>Attorney Docket Number</b>	<b>49321-16</b>

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☒ Amendment/Reply

ii. ☒ Affidavit(s)/Declaration(s)

iii. ☒ Information Disclosure Statement (IDS)

iv. ☒ Other Sequence Listing (Appendix "D" of Amendment)

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 04-0258

i. ☐ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other \_\_\_\_\_

b. ☒ Checks in the amount of \$860 are enclosed (RCE fee plus Extension fee)

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	<b>Barry L. Davison, Ph.D., J.D.</b>	Registration No. (Attorney/Agent)	<b>47,309</b>
Signature		Date	<b>21 April 2004</b>

CERTIFICATE OF MAILING OR TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.			
Name (Print/type)	<b>Kay Bulen</b>	Date	<b>April 21, 2004</b>
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14.

04/23/2004 10:00 AM 385.00 0P  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Clinton et al.  
Filing Date: February 16, 2000  
Serial No.: 09/506,079  
For: HER-2 BINDING ANTAGONISTS  
Art Unit: 1642  
Examiner: Anne L. Holleran  
Docket: 49321-16  
Date: 21 April 2004

Mail Stop AF Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE AND AMENDMENT UNDER 37 C.F.R. § 1.116, TO ACCOMPANY REQUEST  
FOR CONTINUED EXAMINATION (RCE) UNDER 37 C.F.R. § 1.114**

Sir:

This is in response to an Office Action dated 21 October 2003 for the above-identified patent application. Please extend the time for response three months, up to and including, 21 April 2004. A Request for a Three-Month Extension of time and the required fee are enclosed. Kindly amend the above-identified patent application as follows: